

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 07-419(4) (DWF/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Minh Tran,

Defendant.

Christian S. Wilton, Assistant United States Attorney, United States Attorney's Office,
counsel for Plaintiff.

Paul C. Engh, Esq., Engh Law Office, counsel for Defendant.

This matter is before the Court upon Defendant Minh Tran's ("Defendant") objections to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated July 1, 2008, recommending that Defendant's Motion to Suppress Evidence Search and Seizure and return Property be granted in part and denied in part (Defendant's motion to suppress evidence be granted and his motion for return of property be denied) and Defendant's Motion to Suppress Evidence of Electronic Surveillance in the Form of Wiretaps be denied.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and

precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Minh Tran's objections (Doc. No. 192) to Magistrate Judge Arthur J. Boylan's Report and Recommendation dated July 1, 2008, are **DENIED**.

2. Magistrate Judge Arthur J. Boylan's Report and Recommendation dated July 1, 2008 (Doc. No. 179), as it relates to Defendant Minh Tran, is **ADOPTED**.

3. Defendant Minh Tran's Motion to Suppress Search and Seizure and Return Property (Doc. No. 92) is **GRANTED IN PART AND DENIED IN PART**. Defendant Tran's motion to suppress evidence is **GRANTED** and his motion for return of property is **DENIED**.

4. Defendant Minh Tran's Motion to Suppress Evidence of Electronic Surveillance in the Form of Wiretaps (Doc. No. 93) is **DENIED**.

Dated: September 15, 2008

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court